

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Melvin L. Allen,

Civil No. 13-cv-62 (DSD/TNL)

Petitioner,

v.

**ORDER**

Minnesota Department of Corrections,

Respondent.

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Melvin L. Allen, 232046, MCF-Faribault, 1101 Linden Lane, Faribault, MN 55021 (*pro se* Petitioner); and

Linda Kay Jenny, **Hennepin County Attorney's Office**, 300 South Sixth Street, Suite C-2000, Minneapolis, MN 55487; and Matthew Frank and Jennifer R. Coates, **Minnesota Attorney General's Office**, 445 Minnesota Street, Suite 1800, Saint Paul, MN 55101 (for Respondent).

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated December 12, 2013 (ECF No.15), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 (ECF No. 1) is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**; and
3. Certificate of Appealability is denied.

Date: January 2, 2014

s/David S. Doty

David S. Doty, Judge  
United States District Court